

**REMARKS**

Claims 1-4, 6-15 are all the claims pending in the application. Claims 1-4, 6 and 8-15 have been rejected. Claim 7 has been withdrawn.

**CLAIMS REJECTIONS**

**A. Claims 1-4, 6 and 11-15**

Claims 1-4, 6 and 11-15 have been rejected under 35 U.S.C. § 102(b) as being “clearly anticipated” by German patent document DE 197 53 690 A1 (“Sanyo”).

Claim 1 recites a recording medium playback device with a carriage chassis. When the carriage chassis is in the standby position, a pickup is situated on a vertical tangential plane which is tangent to an outer circumferential edge of a recording medium on the carriage chassis side. Also, the plane is tangent at a point where the outer circumferential edge is intersected by a loading center line of the recording medium when the recording medium is completely loaded in a recording medium accommodation unit by a recording medium loading means.

In response to the previous Office Action, Applicant argued that Sanyo fails to teach a recording medium playback device as recited in Applicant's claims. In particular, Applicant argued that as shown in Figures 16 and 26, the pickup 56 is set back, i.e., towards the back of the disk player as defined in Figure 16, and away from a line tangent to a circumferential edge of a disk 12 on the carriage chassis side.

In response to the Applicant's argument, the Examiner maintains that Sanyo teaches a recording medium playback device as recited in Applicant's claims. To bolster his position, the Examiner included an annotated version of Sanyo's Fig. 16 allegedly showing the above discussed element of the claims.

However, neither Fig. 16 nor any other Figure of the Sanyo reference show playback device with a recording medium completely loaded in the playback device. The Figures of the Sanyo reference contain no teaching as to the location of a circumferential edge of a recording medium when completely loaded into Sanyo's playback device. Thus, Sanyo contains no express teaching of the location of a recording medium when completely loaded. Additionally, Applicant notes that the Sanyo reference cannot be fairly read to contain an inherent teaching of a location of a recording medium when completely loaded as the recording medium could be located in a variety of positions with respect to the carriage chassis and pickup.

Further, one of ordinary skill in the art would appreciate that pickup 56 is smaller than the width of the carriage chassis. *See* FIG. 17. First, screw shaft 58c is disposed within the width of the carriage chassis. Second, by reference to the dot-dot-dash-lined pickup 56 in FIG. 17, FIG. 17 clearly illustrates that pickup 56 is narrower than the carriage chassis. Thus, it is clear that Sanyo does not teach a recording medium playback device as recited in claim 1.

Therefore, absent an express or inherent teaching of the location of a recording medium with respect to a pickup when the recording medium is completely loaded into the playback device, the Examiner's rejection must fail. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw his rejection of the claims.

**B. Claims 8-10**

Claims 8-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanyo.

As the Examiner's proposed modification fails to cure above described deficiencies of Sanyo, Applicant submits that claims 8-10 are patentable over Sanyo. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw his rejection of these claims.

In addition, in Sanyo, pickup 56 is driven by a shaft 58c which is located between the pickup and the recording medium. Thus, even if the width of the carriage chassis was smaller than a width of a pickup, shaft 58c would prevent a recording medium from being located in the area thus created. Thus, without conceding to the validity of the Examiner's proposed modification to Sanyo, even if such a modification were made, shaft 58c would prevent a recording medium from being located as required by claims 8-10. Thus, for at least this additional reason, Applicant submits that claims 8-10 are allowable over the cited art.

### **CONCLUSION**


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116  
U.S. Patent Appl'n No.: 09/740,989

Atty Docket No. Q62213

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Brandon M. White  
Registration No. 52,354

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: October 29, 2004